

Application No.: 10/714,941Docket No.: 2038-306**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Original) A disposable diaper comprising:
 - a top sheet facing the wearer;
 - a liquid impervious back sheet facing away from the wearer;
 - a liquid absorbent core disposed between said top and back sheets;
 - a front waist region;
 - a back waist region;
 - a crotch region which is positioned between said front and back waist regions;
 - end flaps which are outside respective end edges of said core and extend in a transverse direction of said diaper therefrom;
 - side flaps which are outside respective side edges of said core and extend in said longitudinal direction of said diaper therefrom; and
 - openings which pass through a thickness of said top sheet and said core and are formed in at least said crotch region out of said front and back waist regions and said crotch region;
 - wherein said back sheet has a free portion which is underneath said core and extendible downwards in a thickness direction of said diaper, and fixed edge portions which defines an outer periphery of said free portion and fixed to said top sheet;
 - wherein at least said free portion out of said free portion and said fixed edge portion is contractibly attached with a plurality of elastic members which are arranged in said transverse direction of said diaper at a given interval; and
 - wherein a plurality of gathers extending in said transverse direction are formed under contraction of said elastic members.

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2. (Original) The disposable diaper of Claim 1 wherein said top sheet is stretchable/contractible.

3. (previously presented) The disposable diaper of Claim 1 wherein said back sheet is smaller in area than said top sheet and a greater part of said side flaps is formed out of the side portions of said top sheet which extend outwards from respective side edges of said core in said transverse direction.

4. (previously presented) The disposable diaper of Claim 2 wherein a greater part of said end flaps is formed out of the end portions of said top sheet which extend outwards from respective end edges of said core in said longitudinal direction.

5. (previously presented) The disposable diaper of Claim 1 wherein a longitudinal dimension of said back sheet, when said gathers are extended in said longitudinal direction against a contracting force of said elastic members, ranges 1.05 to 4.0 times a longitudinal dimension of said back sheet in a state in which the gathers are formed.

6. (previously presented) The disposable diaper of Claim 1 wherein a tensile stress of said elastic member ranges 0.098 to 1.96 N when stretched to 100 % of its initial length.

7. (previously presented) The disposable diaper of Claim 1 wherein a plurality of pleats extending in said longitudinal direction are further formed in said back sheet by folding said back sheet in said transverse direction with said pleats being arranged at a given interval in said transverse direction.

8. (Original) The disposable diaper of Claim 7 wherein a transverse dimension of said back sheet, when said pleats are extended in said transverse direction, ranges 1.5 to 3.0 times that of said back sheet in a state where said pleats are formed.

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9. (previously presented) The disposable diaper of Claim 1 said back sheet comprises one of a composite sheet made of a hydrophobic nonwoven fabric and a breathable but liquid impervious plastic film overlaid and joined together and a composite nonwoven fabric made of a plurality of hydrophobic nonwoven fabrics overlaid and joined together.

10. (new) The disposable diaper of claim 1, wherein a portion of said backsheet is exposed through the openings in the topsheet and the absorbent core.

11. (new) A disposable diaper, comprising:
a topsheet adapted to face a wearer, in use;
a liquid impervious backsheet adapted to face away from the wearer, in use;
a liquid absorbent core disposed between said topsheet and backsheet;
a front waist region;
a rear waist region;
a crotch region which extends in a longitudinal direction of said diaper between said front and rear waist regions; and

first and second openings which pass through thicknesses of said topsheet and said core, respectively, and are formed in at least said crotch region to define a pocket for receiving therein bodily discharge;

said backsheet having a portion which defines a bottom of said pocket, is exposed through the first and second openings of said topsheet and said core, and is elastically moveable in a downward direction away from said core to enlarge the pocket.

12. (new) The disposable diaper of claim 11, further comprising a plurality of elastic members contractibly and directly attached to said portion of said backsheet at predetermined intervals, wherein

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when said elastic members are relaxed without being subject to external stretching forces, a plurality of gathers are formed in said portion of said backsheet under contraction of said elastic members; and

 said elastic members are elastically stretchable and render said portion of said backsheet elastically extensible in said downward direction.

13. (new) The disposable diaper of claim 12, wherein said elastic members are elongated in the longitudinal direction of said diaper and are spaced from one another in a transverse direction of said diaper.

14. (new) The disposable diaper of claim 11, wherein said backsheet is smaller in area than said topsheet and has fixed edges which surround said portion and are fixed to said topsheet.

15. (new) The disposable diaper of claim 11, wherein said portion of said backsheet is elastically stretchable to have a longitudinal dimension in a range from 1.05 to 4.0 times a non-stretched longitudinal dimension of said portion of said backsheet when said portion of said backsheet is not stretched.

16. (new) The disposable diaper of claim 11, wherein said portion of said backsheet is pleated.

17. (new) The disposable diaper of claim 11, wherein a plurality of pleats extending in said longitudinal direction are further formed in said portion of said backsheet by folding said portion of said backsheet in a transverse direction of said diaper, said pleats being arranged at a given interval in said transverse direction.

18. (new) The disposable diaper of claim 17, wherein a transverse dimension of portion of said backsheet when said portion of said backsheet is stretched to eliminate said pleats

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is in a range from 1.5 to 3.0 times a non-stretched transverse dimension of said portion of said backsheet when said portion of said backsheet is not stretched.

19. (new) The disposable diaper of claim 11, wherein said first and second openings are different in at least one of shape and size; and an upper surface of said absorbent core, which faces the topsheet, is exposed through a first section of the first opening in the topsheet, whereas the portion of said backsheet is exposed through a different, second section of the first opening.

20. (new) The disposable diaper of claim 11, wherein said first opening is the only opening extending through said topsheet, is elongated in the longitudinal direction, and further extends into the rear waist region.